

## REMARKS

The Office Action of January 2, 2003, has been carefully considered.

It is noted that the drawings are objected to because Figure 1 does not contain a label.

Claims 1-13 are rejected under 35 USC 112, second paragraph.

Claims 1, 2 and 4 are rejected under 35 USC 102(b) over the patent to Okada.

Claim 1 is rejected under 35 USC 102(b) over the patent to Aiyar.

Claims 1-3 are rejected under 35 USC 102(a) over the patent to Hahn, et al.

Claims 5 and 6 are rejected under 35 USC 103(a) over Okada in view of German reference 12 12 036.

Claims 7-10 are rejected under 35 USC 103(a) over Okada in view of the patent to Matsunaga.

Claims 11-13 are rejected under 35 USC 103(a) over Okada in view of the patent to Moret, et al.

In connection with the Examiner's objection to the drawings applicant has enclosed herewith a new Figure 1 which includes the appropriate label. In view of this change it is respectfully submitted that the objection to the drawings is overcome and should be withdrawn.

In view of the Examiner's rejections of the claims applicant has amended claims 1, 2, 4, 8-10 and 12, and added new claim 14.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness cited by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 1-13 under 35 USC 112, second paragraph, is overcome and should be withdrawn.

It is respectfully submitted that the claims now on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references, and particularly to the patent to Okada, it can be seen that this patent discloses a tooth brushing method with a toothbrush having a predetermined vibration frequency. The electric toothbrush has a handle portion 4, an electrically operated motor 12 arranged in the handle portion 4, a brush portion 6 engaged with the handle portion 4, and an eccentric mass 16 connected to the motor shaft so as to produce vibration upon actuation of the motor. The mass 16 is offset on the revolving shaft 14 of the motor 12 at one end of the handle portion 4. The brush portion 6 has a hole 22 at one end 6b opposite to the end 6a having the bristles 20. The hole portion 22 fits onto a protuberance portion 8 located at one of the handle 4. Okada does not disclose an accessory amount having an elongate protective cover attachable to a handpiece of the electric toothbrush. The element 8 of Okada is not a cover but instead is a protuberance portion. Furthermore, there is no disclosure by Okada of configuring the cover so that the vibration generating means are arrangeable in the interior of the elongate protective cover, as in the presently claimed invention. There is absolutely no disclosure by Okada of a protective cover that is attachable to their handpiece 4.

Okada also does not disclose the features as recited in new independent claim 14.

In view of these considerations it is respectfully submitted that the rejection of claims 1, 2 and 4 under 35 USC 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Aiyar discloses a motorized scrubbing brush. Aiyar provides absolutely no disclosure concerning an accessory mount for an electric toothbrush. The device of Aiyar comprises a housing 15 having a water tight handle 25, an electric motor 50 with a drive shaft 200 mounted on the proximal end 210, a spring 240 mounted on the distal end 190 of the motor and to the handle. The spring 40 couples the motor 50 to the handle 25 to support the motor while vibrationally isolating the handle from the motor. An eccentric weight 50 is mounted to the electric motor drive shaft 200 so as to rotate in a circular path with the shaft. A water tight cover 80 contains the motor 50 and the eccentric weight 60. A scrubbing head 300 is attached to the water tight cover. The motor 50 and the eccentric weight 60 cooperate to vibrate the scrubber 300 without rotating the scrubber when the motor 50 is supplied with electrical power. Applicant respectfully submits that the preamble of the present claims serves to define the accessory mount. To ignore the language in the preamble would be equivalent to ignoring the problems being addressed by the present invention relative to toothbrushes as well as the discussion and disclosure contained in the specification of the application. Those skilled in the art of designing electric toothbrushes realize that unique problems are encountered and must be addressed, which would not be contemplated by someone dealing with a scrub brush as taught by Aiyar. Thus, it is respectfully submitted that Aiyar provides no disclosure of an accessory mount for an electric toothbrush as defined in the presently claimed invention.

In view of these considerations it is respectfully submitted that the rejection of claim 1 under 35 USC 102(b) over the above-discussed reference is overcome and should be withdrawn.

The patent to Hahn, et al. discloses an electric toothbrush having a handle 1, a brush head 2, a shank 3 that links the handle 1 to the head 2, as well as means for generating vibrations in

the brush head 2. The vibration generating means comprises an unbalanced mass 5 arranged at one end of the shank 3, close to the brush head 2. The unbalanced mass 5 is supported by an elongated shaft 51 which is connected to an intermediate shaft 6 by a flexible coupling 7a. The intermediate shaft 6 is driven in rotation by the motor shaft 41 and is connected thereto by a flexible coupling 7b. The brush head 2 with the bristles 21 is secured to the free end of the shank by means of a clip fastener. The shaft 51 which supports the unbalanced mass 5 is in turn supported at both ends in bearings 52, 53. Hahn, et al. do not disclose a sleeve fitted onto the protective cover over at least part of its length, as in the presently claimed invention. Applicant takes issue with the Examiner's statement that the elements 52, 7a or 7b are a protective cover. Clearly in the specification of Hahn, et al. these elements are defined as flexible couplings or bearings. Furthermore, even if one were to consider these components to be a protective cover, Hahn, et al. do not disclose the vibration generating means being arrangeable in an interior of the protective cover. In reality, the shank 3 of Hahn, et al. is comparable to the elongate protective cover of the presently claimed invention. To read Hahn, et al. as suggested by the Examiner is counter to the logical and understood meaning of the term cover.

In view of these considerations it is respectfully submitted that the rejection of claims 1-3 under 35 USC 102(a) over the above-discussed reference is overcome and should be withdrawn.

The German reference 12 12 036 to Hübner discloses a motorized toothbrush having an oscillator arranged in the handle housing 6. The Examiner combined the teachings of this reference with Okada in determining that claims 5 and 6 would be unpatentable over such a combination. Applicant respectfully submits that Hübner adds nothing to the teachings of Okada so as to suggest the invention as recited in independent claim 1 as discussed above. Thus, it is

respectfully submitted that the rejection of claims 5 and 6 under 35 USC 103(a) over a combination of the above-discussed references is overcome and should be withdrawn.

As for the patent to Matsunaga and the patent to Moret, et al., these references have also been considered. Since they do not come to the currently claimed subject matter than the references discussed above it is believed that any detailed comments thereon at this time would be superfluous. Neither of these references when taken in combination with Okada provide any suggestion for the invention as recited in the claims presently on file and as discussed above. Thus, it is respectfully submitted that the rejections of claims 7-13 under 35 USC 103(a) are overcome and should be withdrawn.

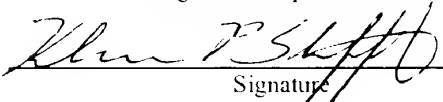
Reconsideration and allowance of the present application are respectfully requested.

In the event the actual fee is greater than the payment submitted or is inadvertently not enclosed or if any additional fee during the prosecution of this application is not paid, the Patent Office is authorized to charge the underpayment to Deposit Account No. 15-0700.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Asst. Commissioner for Patents, Washington, D.C. 20231, on April 2, 2003:

Klaus P. Stoffel

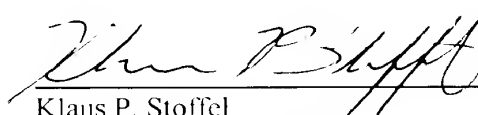
Name of applicant, assignee or  
Registered Representative

  
Signature

April 2, 2003

Date of Signature

Respectfully submitted,

  
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**APPENDIX A**  
**"CLEAN" VERSION OF EACH PARAGRAPH/SECTION/CLAIM**  
**37 C.F.R. § 1.121(b)(ii) AND (c)(i)**

**CLAIMS (with indication of amended or new):**

1. (Amended) An accessory mount for an electric toothbrush having a motor which is arranged in a handpiece for driving vibration-generating means, comprising: an elongate protective cover attachable to the handpiece and configured so that the vibration-generating means are arrangeable in an interior of the elongate protective cover; and a sleeve fitted onto the protective cover so as to cover the protective cover over at least part of its length.
2. (Amended) An accessory mount as defined in claim 1, wherein the sleeve covers the protective cover over substantially its entire length.
4. (Amended) An accessory mount as defined in claim 1, and further comprising an accessory for cleaning an oral cavity attachment means at one end of the sleeve for removably attaching the sleeve to the protective cover, and holding means at an opposite end of the sleeve for holding the accessory for cleaning an oral cavity.
8. (Amended) An accessory mount as defined in claim 7, wherein the receiving opening has a polygonal shape

9. (Amended) An accessory mount as defined in claim 8, wherein the opening is square.
10. (Amended) An accessory mount as defined in claim 7, wherein the receiving opening has an uninterrupted perimeter.
12. (Amended) An accessory mount as defined in claim 4, wherein the accessory is formed by a rotatable piece with a conical tip.
14. (New) An electric toothbrush comprising: a hand piece; vibration-generating means; a motor arranged in the handpiece for driving the vibration generating means; and an accessory mount having an elongate protective cover releaseably attached to the handpiece, the vibration generating means being arranged in an interior of the elongate protective cover, and a sleeve fitted onto the protective cover, so as to cover the protective cover over at least part of its length.

**APPENDIX B**  
**VERSION WITH MARKINGS TO SHOW CHANGES MADE**  
**37 C.F.R. § 1.121(b)(iii) AND (c)(ii)**

**Claims:**

1. (Amended) An accessory mount for an electric toothbrush having a motor which is arranged in a handpiece for driving vibration-generating means, comprising: an elongate protective cover attachable to the handpiece[.] and configured so that the vibration-generating means [being] are arrangeable in an interior of the elongate protective cover; and a sleeve fitted onto the protective cover so as to cover the protective cover over at least part of its length.
2. (Amended) An accessory mount as defined in claim 1, wherein the sleeve covers the protective cover over [approximately] substantially its entire [section which projects beyond the handpiece] length.
4. (Amended) An accessory mount as defined in claim 1, and further comprising an accessory for cleaning an oral cavity attachment means at one end of the sleeve for removably attaching the sleeve to the protective cover, and holding means at an opposite end of the sleeve for holding the [accessories] accessory for cleaning an oral cavity.
8. (Amended) An accessory mount as defined in claim 7, wherein the receiving opening has a [clear width of] polygonal shape.



9. (Amended) An accessory mount as defined in claim 8, wherein the [clear width] opening is square.
10. (Amended) An accessory mount as defined in claim 7, wherein the receiving opening [is of continuous design] has an uninterrupted perimeter.
12. (Amended) An accessory mount as defined in claim 4, wherein the accessory is formed by a [rotary] rotatable piece with a conical tip.